

**SPECIAL MEETING
CITY COUNCIL
November 16, 2006**

ROLL CALL:

MR. WOJCIK, MR. MCGRATH, MR. RYAN, MR. DUNNE, MRS. COLLIER, MR. CAMPANA, PRESIDENT BAUER
ABSENT: MR. KROGH, MS. MAHAR DERGURAHIAN

Request was made by Corporation Counsel, David Mitchell, to by-pass the preliminary agenda and to proceed directly to Ordinance #1. Unanimously approved 7/0.

A motion to adjourn to executive session was passed 6/1 – Dunne

Upon returning to regular session, the following legislation was acted upon as noted.

Ordinance No. 1 Date November 16, 2006
Introduced by Council Member Bauer
At the request of Administration Seconded by McGrath

ORD. #1

**ORDINANCE AUTHORIZING THE CORPORATION COUNSEL TO
TENDER PENDING LITIGATION, TO WIT: JOHN ROGERS v. GIVNEY, O'BRIEN AND THE
CITY OF TROY (CIVIL ACTION 04-CV-0151)
(FED-CT-NDNY), TO THE INSURANCE COMPANY FOR DEFENSE
AND INDEMNIFICATION, PURSUANT TO AND CONSISTENT WITH
THE TERMS OF THE INSURANCE POLICY UNDERWRITTEN BY
THE HARTFORD INSURANCE COMPANY FOR THE CITY OF TROY.**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy is currently defending a lawsuit entitled: Rogers v. Givney, O'Brien and the City of Troy, commenced in the Federal District Court of the Northern District of New York.

Section 2. The complaint filed to commence this litigation alleges several constitutional violations by The City of Troy and two (2) Troy Police officers (Givney and O'Brien), resulting from an arrest effectuated by them on November 17, 2001.

Section 3. After several years of discovery and significant work on the file, the Corporation Counsel recommends the litigation be tendered to the insurance company for further processing, defense and indemnification.

Section 4. The City Council hereby agrees and authorizes the Corporation Counsel to tender this litigation to the insurance company pursuant to and consistent with the terms of the insurance policy in place during fiscal year 2001.

Section 5. This ordinance shall take effect immediately.

Approved as to form, November 15, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 7

Noes: 0

Abstain: 0

Sent to the Mayor 11-17-06 for Executive Action – Approved, returned 11-17-06

Motion to adjourn by Collier/McGrath

Meeting adjourned at 7:46pm.